39. (Amended) The method of claim 38 wherein said step of molding an elongated rail base and said step of molding a pair of rails are performed simultaneously by coextrusion for attaching said rails to said elongated rail base.

Please cancel claim 2.

REMARKS

The Office Action dated December 31, 2002 has been carefully considered. Claims 1, 9, 11, 17, 19, 21, 23, 24, 26, 32, 34 and 36-39 have been amended. Claim 2 has been cancelled. Claims 1 and 3-39 are in this application.

Claim 39 was objected to as of improper dependent form. Claim 39 has been amended to depend from claim 38 having a consistent preamble. Claims 11, 19, 23, 26, 34 and 37 were objected to as informal. Applicants have amended the claims with the Examiner's suggestions.

Claims 1, 3-39 were rejected under 35 U.S.C. § 112 as indefinite as lacking proper antecedent basis. Applicants have amended the claims to meet the guidelines of 35 U.S.C. § 112. No new matter has been entered.

Applicants have amended independent claims 1, 20, 24 and 36-38 to add the limitation that the rails are formed of a material which provides clinging of the film to the rail during cutting of the film. Support for this amendment is found throughout the specification and in particular on page 5, lines 9-23.

The previously presented claims were rejected under 35 U.S.C. § 103 as obvious in view of U.S. Patent No. 4,197,774 to Singh et al. in combination with U.S. Patent No. 5.768,968 to Park et al. and further in combination with U.S. Patent No. 4,196,647 to Fish.

Singh et al. disclose a traveling cutter assembly. The traveling cutting assembly has a cutter slide moveable in a track having roughened top surfaces. The cutter slide includes a top member extending lateral beyond a cutting element in overlying relationship with the roughened track surface. The top member has an extremely smooth stationary lower surface in regions overlying the roughened track surface. When the cutter slide moves in the track, the smooth lower surface of the top member is in sliding engagement with the sheet and presses the sheet into engagement with the roughened top track surfaces in order to prevent sliding movement between the sheet and the track.

In contrast to the invention defined by the present claims, as noted by the Examiner, Singh et al. do not teach or suggest that the rails are formed of a material to provide an attractive charge to film received over the rail for attracting film and clinging the film to the rail before and after cutting of the film. To the contrary, Singh et al. teach that the combination of an upper roughened track surface and a smooth lower surface of a cutter slide creates a differential frictional coefficient of the slider to immobilize the film when the linear force necessary to sever the sheet is less than the opposing liner force that immobilizes the sheet on the track (col. 2, lines 38-60). As described on page 3, lines 4-12 of the application, the present invention has the advantage that the material of the rail helps hold the film flat with cling before cutting and does not require pressure to be exerted on the film in order to determine a differential frictional coefficient, as disclosed in Singh et al. Further, in contrast to Singh et al., the blade housing of the present invention can sever a film without having the blade housing overlapping a significant portion of roughened rails and having an extremely smooth surface in order to immobilize the film. Moreover, there is no teaching or suggestion in Singh et al. of the use of a rail formed of a material which is adapted to provide a cling to a film received over the rail and the advantages thereof.

Park et al. describes a dispenser for plastic wrap. The dispenser includes a base for supporting a rail of plastic film wrap. A pair of ledges or raised surfaces define the blade receiving slot which support and position the film before cutting. A puller engages an end of the plastic film wrap for removing a selected length of the wrap. The puller includes a nose portion formed of a plastic or similar material that will stick or adhere to the plastic wrap when the puller is moved away from the base a sufficient length to cover a dish. The puller is disengaged from the film. Therefore, the puller is seated in the base and a cutter of the puller is moved over the film supported by the base.

In contrast to the invention defined by the present claims, Park et al. do not teach or suggest at least one rail being formed of a material providing an attractive charge to the film received over the at rail for attracting and clinging film to the rail during cutting of the film. Rather, Park et al. teach that the film supporting surface of the dispenser base is formed of grooves to facilitate easy removal of film portion 26, or of a selected material that would not stick to plastic film portion 26. (*See* col. 2, lines 27-34.) Accordingly, Park et al. teach away

from the use of attracting and clinging the film to the base during cutting. Moreover, although Park et al. teach that puller 28 can be formed of a material that can stick to the plastic wrap for pulling the film from the roll, the puller is not used during cutting and does not support the film during cutting as the film is supported by the film supporting surface. Thus, in Park et al. no cling properties are used during cutting of the film. Accordingly, Park et al. do not teach or suggest the use of cling to hold the film to a film supporting surface (rail) during cutting of the film.

Fish teaches a carton for dispensing and cutting selected material. The cutter is part of an upper bar attached to the top wall of the carton with the top normally maintained open by a spring carried by separate plastic end cap members. Further, Fish teaches that difficulties have been experienced, especially when plastic films are being cut, in that the film does not lay flat against a receiving surface because of air which is trapped beneath the film and because of static friction. (Col. 1, Lines 14-18)

In contrast to the invention defined by the present claims, Fish does not teach or suggest at least one rail being formed of a material providing an attractive charge to the film received over the rail for attracting film to the rail and clinging the film to the rail during cutting of the film. Rather, Fish teaches away from the present invention by teaching that especially when plastic films are being cut, that the film does not lay flat against a receiving surface because of static friction. (Col. 1, lines 14-19.) Accordingly, the invention of Fish was designed to remove the problem of static friction and does not teach or suggest a rail formed of a material to provide an attractive cling to a film received over the rail. Applicant submits that there is no motivation in Fish to use static friction to a hold film against a rail and it is only in hindsight that the Examiner can pick and choose a statement of Fish to be combined with the teachings of Singh and Park et al. Accordingly, Fish does not cure the deficiencies of Singh et al. or Park et al. as noted above.

In addition, Applicants submit that neither Singh et al., Park et al. or Fish disclose or suggest the use of cling to hold the film during cutting. Rather, both of the references Park et al. and Singh et al. teach the use of moving parts to grasp or hold the film. The present invention has the advantage that the use of cling eliminates the need to hold or pinch the film with moving parts and is less expensive to manufacture.

With regard to claims 7 and 39, Applicants submit that although co-extrusion is a known technique, there is no teaching or suggestion in Singh et al, Park et al. or Fish of the combination of two different materials for use in a slide cutter. The present invention combines a first material for providing cling properties and a second material for providing functionality. There is no teaching or suggestion in either Singh et al., Park et al. or Fish to use co-extrusion to provide a slide cutter providing cling properties and strength of the rail.

With regard to claim 10, Singh et al. do not teach or select the use of the recited materials to provide cling properties during cutting of the film. Rather, Singh et al. use channel 22 and upper portion 44 to pinch or hold the film for cutting. There is no teaching or suggestion of selecting materials to provide a cling property.

The previously presented claims 18, 19, 33 and 34 were rejected as obvious in view of Singh et al. and Park et al. and further in view of U.S. Patent No. 3,277,760 to Keene et al.

Keene et al teaches an apparatus for severing a web. The lower portion of a shuttle is an elongated cylindrical member which may be tapered at either terminal portion to engage insert 46. Means are used to hold the film adjacent to surface 14. (Col. 2, lines 34-37.)

In contrast to the invention defined by the present claims, Keene et al. do not teach or suggest at least one rail being formed of a material providing an attractive charge to the film received over the rail for attracting film to the rail and for clinging the film to the rail during cutting of the film. Rather, Keene et al. use means such as rollers to hold the film down. Accordingly, Keene et al. do not cure the deficiencies of Singh et al. and Park et al. noted above.

The previously presented claims 21 and 36 were rejected under 35 U.S.C. § 103 as obvious in view of Singh et al. and Park et al. and further in view of U.S. Patent No. 3,552,614 to Wilson.

Wilson discloses a protective shield, the shield can be attached to the front wall in any suitable manner. For example, the shield may be stapled, adhesively fastened directly against the front wall.

In contrast to the invention defined by the present claims, Wilson does not teach or suggest at least one rail being formed of a material providing an attractive charge to the film received over the at rail for attracting film to the rail and for clinging the film to the rail during

cutting of the film. Accordingly, Wilson does not cure the deficiencies of Singh et al. and Park et al. noted above.

The previously presented claims 3, 8 and 9 were rejected as obvious in view of Singh et al., Park et al. and Wilson and further in view of U.S. Patent No. 5,022,154 to Johnson.

Johnson discloses a reaper razor. The reaper member pushes hair to be cut against a sharpened edge. The reaper member is formed of a material having a shore durometer hardness of 55-70.

In contrast to the invention defined by the present claims, Johnson does not teach or suggest at least one rail being formed of a material providing an attractive charge to the film received over the at rail for attracting film to the rail during cutting of the film. Further, Johnson is directed to a razor for hair which is unrelated to a film cutter used for plastic wrap as defined in the present invention. Applicants submit that one of ordinary skill in the art would not look to razors of hair for combination with a plastic film cutter and that there is no motivation provided for the combination of Wilson with Singh et al. and Park et al. Accordingly, the invention defined by the present claims is not obvious in view of any of the cited references alone or in combination and withdrawal of this rejection is respectfully requested.

In view of the foregoing, Applicants submit that all pending claims are in condition for allowance and request that all claims be allowed. The Examiner is invited to contact the undersigned should he believe that this would expedite prosecution of this application. It is believed that no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,

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CLAIMS MARKED TO SHOW CHANGES

1. (Amended) A film cutter apparatus comprising:

an elongated rail base;

at least one rail formed at a top surface of said elongated rail base;

a blade housing for housing a blade, said blade housing bilaterally slidable along said at least one rail; and

a portion of said at least one [of said rails] rail being formed of a first material which provides an attractive charge to film received over said at least one rail [having attractive properties adapted] for attracting said film to said at least one [rails] rail and clinging said film to said at least one rail before and after cutting of said film.

9. (Amended) The apparatus of claim 1 wherein said first material is formed of a material having a durometer in the range of [about] 2 to [about] 200.

11. (Amended) The apparatus of claim 1 wherein a channel is formed in said elongated rail base below a pair of said at least one rail, said blade housing being formed of an upper portion and a lower portion, said upper portion of said blade housing houses said blade, and said lower portion of said blade housing slidably moving in said channel.

17. (Amended) The apparatus of claim 1 further comprising an adhesive layer adhered to said elongated rail base on a surface opposite of said [rails] at least one rail.

19. (Amended) The apparatus of claim 18 wherein said blade housing is formed of an upper portion and a lower portion, said upper portion of said blade housing houses said blade, said lower portion of said blade housing slidably moving in said channel, wherein said lower portion of said blade housing snap fits into said protrusion.

20. (Amended) A film cutter apparatus comprising:

at least one rail;

a blade housing for housing a blade, said blade housing bilaterally slidable along said [rails] at least one rail; and

a portion of said at least one [of said rails] rail being formed of a first material which provides an attractive charge to film received over said at least one rail [having attractive properties adapted] for attracting said film to said [rails] at least one rail and clinging said film to said at least one rail before and after cutting of said film.

21. (Amended) A film cutter apparatus comprising:

at least one rail;

a blade housing for housing a blade, said blade housing bilaterally slidable along said [rails] at least one rail;

a portion of said at least one [of said rails] rail being formed of a first material which provides an attractive charge to film received over said at least one rail [having attractive properties adapted] for attracting film to said [rails] at least one rail and clinging said film to said at least one rail before and after cutting of said film; and

an adhesive layer adhered [to said elongated rail base] on a surface opposite of said [rails] at least one rail.

22. (Amended) A film cutter apparatus comprising:

an elongated rail base;

a pair of rails formed at a top surface of said elongated rail base;

a blade housing for housing a blade, said blade housing bilaterally slidable along said rails; and

a portion of [at least one of]said rails being formed of a first material which provides [a positive] an attractive charge to film received over said [at least one rail] rails for attracting said film to said rails and clinging said film to said rails before and after cutting of said film.

23. (Amended) A film cutter apparatus comprising:

an elongated rail base;

a pair of rails formed at a top surface of said elongated rail base;

a portion of [at least one of]said rails being formed of a first material [having attractive properties adapted] which provides an attractive charge to film received over said rails for attracting film to said rails and clinging said film to said rails before and after cutting of said film; and

a blade housing for housing a blade, said blade housing bilaterally slidable along said rails, said blade housing is formed of an upper portion and a lower portion, said upper portion of said blade housing houses said blade, said lower portion of said blade housing slidably moving in said channel[, wherein said lower portion of said blade housing snap fits into said protrusion].

24. (Amended) A film cutter apparatus comprising:

an elongated rail base;

at least one rail formed at a top surface of said elongated rail base;

a blade housing for housing a blade, said blade housing bilaterally slidable along said at least one rail; and

a portion of said at least one [of said rails] rail being formed of a first material having adhesion properties adapted for attracting film to said at least one [rails] rail and clinging said film to said rail before and after cutting of said film.

26. (Amended) The apparatus of claim 24 wherein a channel is formed in said elongated rail base below a pair of said at least one rail, said blade housing being formed of an upper portion and a lower portion, said upper portion of said blade housing houses said blade, and said lower portion of said blade housing slidably moving in said channel.

32. (Amended) The apparatus of claim 24 further comprising an adhesive layer adhered to said elongated rail base on a surface opposite of said [rails] at least one rail.

34. (Amended) The apparatus of claim 33 wherein said blade housing is formed of an upper portion and a lower portion, said upper portion of said blade housing houses said blade, said lower portion of said blade housing slidably moving in said channel, wherein said lower portion of said blade housing snap fits into said protrusion.

36. (Amended) A film cutter apparatus comprising:

at least one rail;

a blade housing for housing a blade, said blade housing bilaterally slidable along said [rails] at least one rail;

a portion of said at least one [of said rails] rail being formed of a first material having attractive properties adapted for attracting film to said [rails] at least one rail and clinging said film to said at least one rail before and after cutting of said film; and

an adhesive layer adhered to [said elongated rail base on] a surface opposite of said [rails] at least one rail.

37. (Amended) A film cutter apparatus comprising:

an elongated rail base;

a pair of rails formed at a top surface of said elongated rail base;

a portion of at least one of said rails being formed of a first material having adhesion properties adapted for attracting film to said [rails] portion and clinging said film to said portion before and after cutting of said film; and

a blade housing for housing a blade, said blade housing bilaterally slidable along said rails, said blade housing is formed of an upper portion and a lower portion, said upper portion of said blade housing houses said blade, said lower portion of said blade housing slidably [moving] movable in said channel[, wherein said lower portion of said blade housing snap fits into said protrusion].

38. (Amended) A method of forming a film cutter apparatus comprising:

molding an elongated rail base;

molding a pair of rails;

attaching said rails at a top surface of said elongated rail base, wherein a portion of [such at least one rail] said rails being formed of a material having attractive properties for attracting film to said rails and clinging said film to said rails before and after cutting of said film.

39. (Amended) The method of claim [24] 38 wherein said step of molding an elongated rail base and said step of molding a pair of rails are performed simultaneously by coextrusion for attaching said rails to said elongated rail base.